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Summary of Stakeholders' submissions on France*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 44 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The National Consultative Commission for Human Rights (CNCDH) regretted that France failed to take full account of the change of paradigm introduced by the Convention on the Rights of Persons with Disabilities, and called on France to comply with the spirit of the Convention in its legislation.[2]

3. CNCDH drew attention to the need to dismantle racial prejudice and to combat racial violence. CNCDH also wished to express concern about the persistence of certain practices that are liable to impede the judicial treatment of racist offences, causing substantial underreporting of racist acts. It recommended that the police use of "registers of offences", a practice that has no legal basis, should be prohibited, insofar as it hampers victims' access to justice.[3]

4. CNCDH welcomed the diplomatic policy initiatives undertaken by France to promote the rights of women on the international scene, but deplored the lack of any significant progress in that respect on the home front. CNCDH recommended mainstreaming gender equality systematically in all public policies.[4]

* The present document was not edited before being sent to United Nations translation services.

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5. CNCDH pointed out that the overpopulation of French prisons had reached unprecedented levels in France, with dramatic consequences on conditions of imprisonment and the effectiveness of prisoners' rights. CNCDH recalled the need to ensure respect for prisoners' dignity and improved conditions of detention and recommended a change of paradigm in French criminal policy.[5]

6. CNCDH was concerned at the alarming proportions the fight against terrorism had taken on, especially since the introduction of the state of emergency. CNCDH recommended that special attention be paid to the disregard for human rights in the implementation of measures related to the state of emergency.[6]

7. CNCDH was concerned at the abusive and discriminatory practices of law enforcement personnel, and the restrictions on the right to effective remedy arising from the refusal to register complaints against the police and the gendarmerie. CNCDH recommended that France should reassess the range of means of action available to security forces, and ensure effective remedy against the human rights violations they perpetrate.[7]

8. With specific regard to sexual exploitation, CNCDH had observed that between 4,000 and 8,000 children were currently exposed to prostitution. CNCDH drew attention to the ineffectiveness of the national plan of action against human trafficking (2014-2016) and recommended that France adopt a new plan, with an enlarged scope covering all forms of trafficking and exploitation.[8]

9. CNCDH expressed concern regarding the rights of Roma populations and the exclusion faced by allophone or Roma children. CNCDH recommended the fullest application of the interministerial circular of 26 August 2012, in order to ensure durable accommodation for all expelled persons. It also called for comprehensive, coordinated action to provide schooling for all such children.[9]

10. CNCDH recommended improving access to the right of asylum and the detection of vulnerabilities, especially through the provision of psychological care to deal with the severely traumatic effects resulting from persecution and conditions of exile.[10]

11. CNCDH was concerned at the persistently high numbers of vagrant foreign children, especially in Paris, Calais and on the French-Italian border. It recommended making available sufficient means to ensure the effective protection of all isolated foreign children. It was also concerned at the internment of several thousand children in administrative holding centres, especially Overseas, in the administrative holding centre of Mayotte. CNCDH recommended that alternatives to internment be imperatively sought in the case of families with children.[11]

III. Information provided by other stakeholders

A. Scope of international obligations[12] and cooperation with international human rights mechanisms and bodies[13]

12. Amnesty International (AI) and JS6 recommended that France ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.[14]

13. World Alliance for Citizen Participation (CIVICUS) recommended that the Government prioritize official visits with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the rights to freedom of peaceful assembly and of association.[15]

14. IHRC-OU (International Human Rights Clinic) and JS6 recommended that France consider ratifying the ILO Convention Nos. 169 and 189 and consider the recognition of collective rights, as set out by the United Nations Declaration on the Rights of Indigenous Peoples.[16]

15. AI noted that France's ratification of the Arms Trade Treaty in 2014 was a positive step given its role as a major exporter of arms. However, gaps in the legal framework

remain and could lead to unlawful arms transfers, diversion or illicit arms trafficking.[17] AI recommended that the State meet its obligations under the Arms Trade Treaty and not authorize the transfer of conventional arms where it has knowledge, at the time of authorization, that the arms or items would be used in the commission of genocide, crimes against humanity, or war crimes.[18] Organization for Defending Victims of Violence (ODVV) made similar recommendations.[19]

B. National human rights framework[20]

16. AI reported that over the past four years the authorities have introduced a number of reforms including several action plans, a national action plan against racism and anti-Semitism, and a national action plan for gender equality in the public sector.[21]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross cutting issues

Equality and non-discrimination[22]

17. ADDH/CCIF (Association de défense des Droits de l'Homme/Collectif Contre l'Islamophobie en France) noted that the majority of victims of discrimination are women.[23] The Human Rights League (LDH) made similar comments.[24]

18. Human Rights Watch (HRW) reported that France accepted recommendations to step up its efforts against discrimination, racism, xenophobia and anti-Semitism. France adopted a National Action Plan against racism and anti-Semitism for 2012-2014, renewed for 2015-2017. HRW recommended ensuring an effective state response to anti-Semitic and anti-Muslims attacks and to wider racism, discrimination and xenophobia.[25]

19. The European Union Agency for Fundamental Rights (EUFRA) reported that the Court of Cassation in a landmark case reviewed claims by 13 men of African or Arab origin alleging that they were victims of humiliating police checks. The Court ruled that the police illegally checked the identities of three of them based on discriminatory ethnic profiling, stating that identity checks based on physical features associated with a real or supposed origin, without any prior objective justification, are discriminatory.[26]

20. JS4 stated that racially motivated acts of violence are alarmingly commonplace, with the authorities failing to take sufficient measures to protect itinerant citizens/Travellers against these practices.[27] Organization for Security and Co-operation in Europe (OSCE) stated that France regularly reports hate crime data to Office for Democratic Institutions and Human Rights (ODIHR): in 2015, 1790 incidents were recorded by police; data of prosecuted and sentenced cases are not available.[28] The European Roma Rights Centre (ERRC) recommended that France combat all manifestations of racism against Roma, ensures that all instances of anti-Roma violence and hate speech acts do not go unpunished; and increases support for NGOs working to facilitate the inclusion of Romani communities.[29] Council of Europe (CoE) made similar recommendations.[30]

21. EU FRA reported that more than 30 municipalities in France sought to enact by-laws prohibiting the so-called 'burkini', a swimsuit designed for women that covers their entire body. Justifications for such bans tend to argue that the burkini runs counter to moral standards and French secularism (laïcité).[31] ODVV recommended that France should reach out to Muslims and give them assurances that they are not under suspicion because of their religion or ethnicity.[32]

22. Inter-LGBT found that despite the progress made in terms of the rights of LGBT persons, hate speech had grown, especially on the social networks. Inter-LGBT recommended that French law should change in order to take better account of the victims of violence and multidimensional discriminations and that France should pursue an ambitious education policy to combat all gender stereotypes and discriminations against LGBT persons.[33]

23. AI reported that in 2016, Parliament adopted a law to enable transgender people to gain legal recognition of their gender without fulfilling any medical requirement.[34] AI recommended ensuring that transgender people can obtain legal recognition of their gender through a quick, accessible and transparent procedure, while preserving their right to privacy.[35]

Development, the environment, and business and human rights[36]

24. AI reported that in 2017, the Government adopted a bill imposing a duty on a number of French companies to implement a "vigilance plan" to prevent human rights abuses and environmental damage in relation to their activities in France and abroad.[37] AI recommended ensuring accountability for victims of human rights violations by corporate enterprises.[38]

Human rights and counter-terrorism

25. ADDH/CCIF reported that after terrorist attacks, the Government has undertaken a security policy stigmatising Muslim populations. Further, ADDH/CCIF expressed concern about the efficiency of the security measures taken by the Government and their impact on fundamental rights and the security of a part of the population.[39]

26. HRW documented repeated abuses during policy operations carried out under the state of emergency, which allows police to search homes and place people under house arrest without prior judicial approval. HRW recommended ensuring that counterterrorism measures are carried out in a non-discriminatory and proportionate manner and that raids are subject to prior judicial authorization.[40] AI recommended limiting the use of emergency powers to what is strictly required by the exigencies of the situation.[41] ODVV recommended that in pursuing terror crimes, France makes further efforts to protect the fundamental rights and freedoms of its citizens.[42] The Syndicat de la magistrature (SM) made similar recommendations.[43]

27. LDH expressed concern regarding the Intelligence Act of 24 July 2015, which legalized particularly intrusive illegal procedures, practiced outside any legal framework.[44]

2. Civil and political rights

Right to life, liberty and security of person[45]

28. The Collectif des Parties Civiles pour le Rwanda (CPCR) and IBUKA noted that throughout the most recent cycle of the universal periodic review France had failed to comply with its international human rights obligations as far as the Rwanda genocide was concerned.[46] CPCR pointed out that the allegations of French complicity in the genocide could constitute violations of the Convention on the Prevention and Punishment of the Crime of Genocide.[47] CPCR and IBUKA recommended that France take appropriate measures commensurate with its obligations and prosecute all genocide suspects living in France.[48]

29. CIVICUS and AI expressed concern about the police use of force during protests in France in recent years.[49] CIVICUS and AI recommended that all instances of excessive force committed by security forces while monitoring protests and demonstrations should be immediately investigated.[50] JS8 made similar remarks and recommendations.[51]

30. HRW and Plateforme pour en Finir avec les Contrôles au Faciès (Platforme contre CAF) reported that the identity check system is open to abuse by the police, and that recurrent identity checks and searches targeting minority youth nurture a sense of exclusion and discrimination among them. HRW and Platforme contre CAF recommended that France reform the Code of Criminal Procedure to require that all identity checks be based on a reasonable, individualized suspicion.[52]

31. Dominicans for Justice and Peace (DJP) noted with concern the situation of detainees in French prisons, and the negative impact on the conditions of detention and the human dignity of persons deprived of liberty.[53] DJP also drew attention to the alarming degree of overcrowding in prisons, the serious shortage of material and human resources

and the degrading conditions of detention.[54] DJP and the Contrôleur général des lieux de privation de liberté (CGLPL) recommended that France use alternative sanctions, shorten trial delays and increase material and human resources.[55] Lire pour en Sortir (LPES) recommended that France intensify its efforts to resettle detainees, and make more use of cultural activities.[56] SM recommended greater use of alternatives to imprisonment and the pursuit of a decriminalization policy.[57]

32. CGLPL found that many prisons cells designed for a single person contained three beds, often within an area of less than 9 m².[58] Furthermore, access to treatment has in many cases deteriorated, with an insufficient number of medical staff in premises that have become too exiguous to ensure treatment under satisfactory conditions and in conformity with the need for medical secrecy.[59] CGLPL was concerned at the systematic resort to isolation chambers and restraints for persons with psychosocial disabilities and by the shortage of psychiatric care available in prisons.[60]

33. HRW documented the inadequate conditions for prisoners with psychosocial disabilities. The lack of adequate and appropriate mental health services and reasonable accommodation for prisoners with psychosocial disabilities in French prisons result in the deterioration of prisoners' mental health, and abuse of their rights. HRW recommended providing more effective daily care and appropriate living conditions to prisoners with psychosocial disabilities.[61]

Administration of justice, including impunity and the rule of law[62]

34. The Association nationale d'assistance aux frontières pour les étrangers (ANAFE) noted that France had not complied with the recommendations made to it to take the necessary steps to ensure an equal right to suspensive and effective appeal for all migrants and asylum seekers kept in holding areas, and allow access to legal assistance.[63]

35. ANAFE noted that during the first 96 hours, foreigners were deprived of liberty without their situation being considered by any authority outside the administration. A suspensive appeal procedure has been instituted only for asylum seekers at the border; no provision is made for other foreigners kept in holding areas, whether they are barred from entry, in the course of interrupted transit or isolated minors.[64] Moreover, for minors there is still no guaranteed access to a judicial review and there is no appeal procedure for suspending removal in order to allow a thorough examination of the minor's situation.[65]

36. OSCE noted that in the framework of the "Action Plan against Racism and Anti-Semitism 2015-2017", a circular instructed prosecutors in hate crime trials to request sentences that include an educational component as part of perpetrator's sentences.[66]

Fundamental freedoms and the right to participate in public and political life[67]

37. ADDH/CCIF, HRW and CIVICUS considered that the law 2004-228, prohibiting the visible wearing of religious signs for public secondary school pupils, violates the fundamental rights to freedom from discrimination, freedom of religion and the right to autonomy.[68] HRW and ADDH/CCIF recommended that France repeal or amend the law instituting the ban on full-face concealment in public spaces to ensure that women who choose to veil their faces for religious reasons may do so without fear of legal sanction.[69] ODVV made similar recommendations.[70]

38. CIVICUS noted that concentrated media ownership undermines editorial independence and that the authorities have sometimes restricted the work of journalists covering events in the public interest, such as the dismantlement of the refugee settlement in Calais.[71] CIVICUS recommended ensuring freedom of expression and media, ensuring that journalists have the ability to protect their sources.[72]

39. Reporters sans frontières (RSF-RWB) recommended that France respect the role of the media and the work of journalists and combat all forms of verbal attack and questioning of the legitimate pursuit of journalism.[73]

40. JS10 stated that while the French Government's efforts to combat racism and antisemitism were to be welcomed, that struggle should henceforth be extended to offences and discriminations against persons of other origins and religions.[74] JS10 recommended that

France conduct information campaigns on the situation and observance of religious freedom for all and ensure the enforcement of arrangements made to combat religiously motivated offences.[74]

Prohibition of all forms of slavery[76]

41. JS6 and JS7 were particularly concerned at the situation of children who fell victims to human trafficking. They recommended that France assist children at risk and victims of trafficking to rebuild their lives and provide a legal representative for every child.[77]

42. JS6 and JS7 further recommended initiating a second national multi-year plan to combat human trafficking, with sufficient means for its implementation, part of which should be devoted to the specific situation of child victims.[78] They further recommended ceasing to intern the victims of trafficking and ensuring their protection.[79]

Right to privacy and family life[80]

43. AI and AccessNow noted that two laws passed in 2015 have been granting extensive powers of surveillance to intelligence services.[81] AccessNow recommended that France amend the provisions regarding surveillance and access to personal information in the two laws to ensure that law enforcement and intelligence only interfere with privacy to the extent necessary and proportionate in pursuit of a legitimate aim.[82] AI[83] and Privacy International (PI)[84] made similar recommendations.

44. ADF International recommended ensuring that responsibilities, rights and duties of parents and legal guardians to provide appropriate guidance to their children are respected.[85]

3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work[86]

45. LDH found that despite encouraging signs regarding gender equality in employment, major disparities existed between different sectors.[87]

46. ADDH/CCIF reported cases of discrimination concerning Muslim women wearing the headscarf, which took place in private businesses.[88] ADDH/CCIF recommended to not discriminating women in the labour market.[89]

47. Associazione Comunità Papa Giovanni XXIII (APG23) reported that the unemployment rate of persons with disabilities is twice the one of the population without disabilities. APG23 stressed the need to avoid that persons with a certain degree of disability might become at risk of poverty.[90] APG23 recommended that the interventions in the field of labour iintegration be strengthened and that the dignity of the persons with disabilities be taken iinto account by business and employment policies.[91]

48. JS1 noted rising rates of unemployment and poverty, particularly among young people from deprived backgrounds,[92] despite the determined policy conducted by France regarding young people and their access to independence since the last universal periodic review.[93] JS1 recommended that France develop and strengthen its various policies for youth.[94]

49. ODIHR reported that the employment of Roma economic migrants in Western European destination countries has been impeded by labour restrictions. Nevertheless, in France these restrictions are being "gradually lifted" and in some cases this has been accompanied by positive measures, allowing for better employment opportunities for Roma migrants.[95]

Right to an adequate standard of living[96]

50. ERRC reported that Romani communities in France live in substandard housing and experience multiple forced evictions, which leave them in increasingly marginalised, poor and unstable conditions.[97] No durable solutions or measures for integration were provided even for those most vulnerable, among them pregnant women, persons with disability and

the elderly."[98] ERRC added that Romani people living in slums have inadequate drinking water and sanitation.[99] ERRC recommended that France immediately cease the practice of evicting Roma from their homes and communities without any alternative sustainable solution for housing; and that ensures equal access to basic rights, including water and sanitation, health insurance and health care, access to emergency housing.[100] ODVV made similar recommendations.[101]

51. JS4 recommended ensuring that itinerant citizens live in conditions meeting basic standards of decency, and that halting sites are not in locations where residents are exposed to health and environmental risks.[102]

52. The International Movement ATD Fourth World found that the situation of people living in extreme poverty had not noticeably improved as far as their poor accommodation was concerned.[103] ATD Fourth World recommended that France ensure that public policies effectively benefit the poorest members of the population, and make every effort to set aside funding for the construction or rehabilitation of housing intended for the poorest people.[104]

Right to education[105]

53. ERRC reported that 30% of Romani children living in slums and squats have never been enrolled in school,[106] and recommended that the State investigate all reported cases of refusal to enrol Romani children; and that require the immediate enrolment of school-age Romani children in school-age.[107] OSCE reported that fewer than one out of 10 Roma is reported to have completed upper-secondary education.[108] EU FRA indicated that, despite various efforts concerning Roma integration, challenges persist in respect to access to education and poor housing conditions.[109]

54. JS1 welcomed the positive measures attributable to the Act on public school reform.[110] It regretted the persistence of inequalities between students, however, due to their social background, and the fact that the reform has not been backed up with sufficient means to ensure its uniform implementation across the country.[111] JS1 recommended setting up some means of evaluating the Act and its educational system by 2019.[112]

55. JS10 recommended that the Government ensure that the national education programmes and teaching methods respected freedom of thought, conscience and religion for students and their parents alike.[113]

4. Rights of specific persons or groups

Women[114]

56. LDH found that in the last 3 years the introduction of new legislation had allowed foreign women who had been victims of violence access to certain rights. Nevertheless, from a legal point of view foreign and migrant women still do not enjoy effective protection.[115]

57. LDH noted that in the private sector the Act of 27 January 2011 set a target quota of 20 per cent of women in governing and supervisory boards by 1 July 2014 and a target quota of 40 per cent of women by 2017. Despite the encouraging signs considerable disparities remain between sectors. Moreover, the wage gap remains very strong, especially in the higher salary range.[116]

Children[117]

58. Regarding crimes against children and child prostitution, the Conseil Français des Associations pour les Droits de l'Enfant (COFRADE) observed that the fact that criminal structures and responses were ill-adapted and the lack of prevention showed what little importance is attached to the issue by the public authorities. COFRADE encouraged the State to set up child-friendly reception facilities, as well as specific training for professionals.[118]

59. JS3, Global Initiative to End all Corporal Punishment of Children (GIEACPC) and Coordination pour l'éducation à la non-violence et à la paix (Coordination) found that

although corporal punishment was prohibited in schools and in the criminal system, it was still not clearly and explicitly forbidden in the family or in other places that cared for children.[119] They hoped that the States would tackle the problem during the 2018 review and they recommended in particular that France should make it a priority to clearly and explicitly forbid all corporal punishment of children.[120]

60. JS3 and COFRADE drew attention to the recent progress made by France in terms of information and awareness regarding corporal punishment. They welcomed the adoption of several initiatives to combat violence against children and they encouraged France to continue conducting national information campaigns.[121]

61. Union pour l'Enfance (UFSE) drew attention to the need to give effect to the higher interest of the child in the child protection system in such sensitive areas as parents' visiting rights.[122] UFSE recommended that France distinguish between the judicial treatment accorded to children and to parents, and ensure specific training for magistrates on child protection problems.[123]

Persons with disabilities[124]

62. APG23 reported that in 2016, only 43.8% of disabled students going to school in an ordinary context benefitted from an adequate accompaniment. The education system does not reduce inequalities between pupils and still places France in the lowest ranks in Europe in terms of equity.[125] APG23 recommended that France quickly proceed in including in ordinary schools the too many children with disability that are still excluded.[126]

63. Regarding persons with disabilities, CoE noted that despite a well-developed legal framework and the priority given to independence and social inclusion, these are not always guaranteed in practice.[127]

64. JS2 noted that access to the international dimension of higher studies remained very problematic for students with disabilities.[128] JS2 proposed introducing an "international status for students with disabilities", which would help overcome some of the problems that arise, such as the lack of accompaniment or discriminatory barriers of a financial and administrative nature.[129]

65. JS9 deplored the system of discrimination against bearers of trisomy 21, and recommended that France overhaul its screening policy for this disability in fulfilment of its international commitments; JS9 further recommended conducting campaigns to inform the public about trisomy 21 carriers.[130]

Minorities and indigenous peoples[131]

66. OSCE-ODIHR reported that mainstream parties in a number of OSCE States, including France, have resorted to rhetoric against Roma immigrants, increasingly categorizing them as "public security" or "public health" risks, or linking Roma immigration to human trafficking and exploitation, especially of women and children.[132] CoE underlined the urgent need to guarantee Roma access to healthcare, education, housing and employment.[133]

67. ELEN (European Language Equality Network) recommended taking measures — such as promoting bilingualism in public life — to combat linguistic racism in France, towards a real recognition of linguistic and cultural diversity.[134] EBLUL ELEN (European Bureau for Lesser Used Languages) made similar recommendations.[135]

68. IHRC-OU recommended that France include Amerindian representatives in national decision making and benefit sharing; and considers further programs to make healthcare accessible to those indigenous groups most affected by the illegal mining operations.[136]

Migrants, refugees, asylum seekers and internally displaced persons[137]

69. AI reported that asylum seekers in France face long delays before they can file an application for asylum and enjoy the rights as a registered applicant for refugee status, including access to temporary accommodation. AI is also concerned about the number of cases of deportation without a through and individual assessment of the risks of torture and

other ill-treatment they might face upon return. France continues to use the procedure under the Dublin Regulation to transfer asylum seekers despite the risk of human rights violations and the calls from UNHCR to end such transfers.[138] AI recommended ensuring individuals are not returned to countries where they would be at risk of serious human rights violations.[139]

70. Global Detention Project (GDP) reported that detention in France recorded a high number of detainees in 2016, including numerous children fleeing situations of war, violent conflict or brittle rule of law.[140] GDP recommended ensuring that persons fleeing war and violence and seeking asylum are not detained at the time when they apply for asylum; that families with children are not detained and that alternatives to detention are available.[141] ODVV recommended that France continue protecting the rights of all migrants regardless of their situation and status.[142]

71. JS1 drew attention to the situation of unaccompanied minors, who came to France alone in an effort to escape from conflict zones or extremely precarious living conditions. Such children, however, who should enjoy the State's protection, are heavily discriminated against in terms of accessing their rights to protection, education and integration. JS1 recalled the importance of granting them the same rights and the same protection as French children.[143] ANAFE pointed out that the practice of keeping children isolated in holding areas still persisted in contravention of all the principles of international law. The few guarantees they are offered are clearly insufficient. There is no appeal procedure available to suspend their removal in order to seriously investigate their situation.[144]

72. ANAFE reported that border controls had been reinstated since the implementation of state of emergency procedures. Since the end of 2015, the consequences are felt in holding areas, since the state of emergency is invoked to justify certain extensions of internment, while new profiles of persons are deprived of liberty at the borders. Discriminatory controls based on facial profiling, blockages, systematic returns and the return of children without any regard for existing procedures are regularly implemented.[145]

73. CoE noted with concern that the trend towards more stringent and complex rules in the asylum and immigration fields raises serious questions of compatibility with France's international commitments, notably the human rights of asylum seekers. CoE called on the French authorities to improve the living conditions of migrants in Calais and to afford them greater protection against violent xenophobic attacks. It underlined that France needs to improve the legal aid and procedural guarantees offered to immigrants and asylum seekers.[146] EU FRA reported that, at Grand-Synthe, a suburb of Dunkirk, some 3,000 people were reported to live in freezing and inhumane conditions towards the end of 2015.[147] JS8 made similar comments.[148]

74. HRW documented abuses against asylum seekers and migrants by the French police forces, and lack of access to basic services. HRW also expressed concerns on the treatment of unaccompanied migrant and asylum-seeking children, with some unable to access services or receive protection as guaranteed by the law. Further, HRW reported that France was detaining each year up to 500 unaccompanied children in transit zones at the borders, where they were being denied protection. HRW recommended that France investigates reports of police abuse against asylum seekers and migrants and issue clear guidance to police officers clarifying the prohibition of unjustified and disproportionate use of force. It also recommended ensuring that unaccompanied migrant children on French territory have full access to asylum procedures and are not placed in detention in transit zones.[149]

75. HRW indicated that the French Ombudsman reported, after a visit in Calais on 12 June 2017, that many unaccompanied children have no access to shelter and sleep outside. They also lack access to sanitation, food and education.[150]

76. JS8 recommended stepping up the efforts made to increase the number of places available in reception centres for asylum seekers (CADA).[151]

5. Specific regions or territories

77. ANAFE pointed out that the law applicable to foreigners overseas and especially in Mayotte was subject to derogations from ordinary law that had no equivalent in any other

French department, in the form of internment and return of isolated foreign children, absence of suspensive appeal against expulsion orders, or refusal to register asylum requests.[152]

78. JS1 noted the extremely alarming situation in the French overseas territories facing young people, in terms of their access to education, training and jobs.[153] It recommended that France establish a comprehensive, appropriately funded long-term policy for young people overseas.[154]

79. JS5 recalled how important it was for France to recognize in its legislation, institutions and policies the minorities living within the territory it governs and the need to preserve the cultural diversity of the peoples governed by France.[155]

80. JS1 recalled that in Mayotte, New Caledonia and French Guiana, children had to face serious schooling problems owing to harsh living conditions, a lack of means and strong immigration.[156] It recommended ensuring the education of all children overseas, irrespective of their legal status or their nationality.[157]

81. GDP reported that 2016 was a record year in terms of detention of children. In Metropolitan France 182 children were placed in administrative detention and 4,285 in Mayotte.[158]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status).

Civil society

Individual submissions:

AccessNow	Access Now, New York (United States of America).
ADDH/CCIF	Association défense des Droits de l'Homme/Collectif Contre l'Islamophobie en France, Saint-Ouen (France).
ADF International	ADF International, Geneva (Switzerland).
AI	Amnesty International, London (United Kingdom).
ANAFE	Association nationale d'assistance aux frontières pour les étrangers, Paris (France).
APGXIII	Associazione comunità Papa Giovanni XXIII, Rimini (Italy).
ATD Fourth World	International Movement ATD Fourth World, Pierrelaye (France).
CGLPL	Contrôle général des lieux de privation de liberté, Paris (France).
CIVICUS	World Alliance for Citizen Participation, Johannesburg (South Africa).
COFRADE	Conseil Français des Associations pour les Droits de l'Enfant, Paris (France).
Coordination	Coordination pour l'éducation à la non-violence et à la paix, Paris (France).
CPCR	Collectif des Parties civiles pour le Rwanda, Reims (France).
Dominicans for J&P	Dominicans for justice and peace, Geneva (Switzerland).
EBLUL FLEN	European Bureau for Lesser Used Languages, Carhaix (France).
ELEN	European Language Equality Network, Brussels (Belgium).
ERRC	European Roma Rights Centre, Budapest (Hungary).
GDP	Global Detention Project, Geneva (Switzerland).
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern Ireland).
HRW	Human Rights Watch, Geneva (Switzerland).
IBUKA	IBUKA, Kigali (Rwanda).
IHRC-OU	International Human Rights Clinic, Norman, Oklahoma (United States of America).

Inter-LGBT	Inter-LGBT, Paris (France);
LDH (FIDH)	Ligue des droits de l'Homme, Paris (France);
LPES	Les pieds sur Terre, Paris (France);
OIDVV	Organization for Defending Victims of Violence, Tehran (Iran Islamic Republic of);
PI	Privacy International, London (United Kingdom of Great Britain and Northern Ireland);
Plateforme Comité UA	Plateforme pour un Euro avec les Comités au Faso, Paris (France);
RSF-RWB	Reporters Without Borders International, Paris (France);
SM	Syndicat de la magistrature, Paris (France);
UFM	Union pour l'Enfance, Paris (France).

Joint submissions:

JS1	**Joint Submission 1 submitted by:** Apprentis d'Auteuil, Secours catholique – Caritas France, Paris (France);
JS2	**Joint Submission 2 submitted by:** Conférence des grandes écoles, La fédération Enseignement, Paris (France);
JS3	**Joint Submission 3 submitted by:** Collectif des associations œuvrant contre les violences éducatives ordinaires faites aux enfants (poursuites comprises) et humiliantes) – Action – Association contre les violences faites aux enfants – Association Henri Guérance, Formation et Recherches, Association IEPS, Ensemble pour l'Education Familiale, Les Fondateurs pour l'Enfance, La Maison de l'Enfant Maltraité, traumatisé et victimologie, No claques et fessées – L'Observatoire de la violence éducative ordinaire (OVEO), Les Parents À devenir Stop(VEO), Enfance sans violences, Les personnalités œuvrant contre la VEO – Arnaud Devos, Isabelle Filliozat, Catherine Gueguen et Gilles Lazimi, Paris (France);
JS4	**Joint Submission 4 submitted by:** Collectif National des Citoyens Gitanes, France Liberté Voyage, Association de Défense des Usagers de Familles – Défenseur – Gare du voyage, Les Gares du voyage de Gennevilliers, Cercle Défendons Notre Gitanité, Les Filles et Fils des internés du camp de Saliers, Espoir et Fraternité Tsiganes, La Mémorielle Intellectuel Tsiganes, ANPSGE, A. Nomades de France, Association des Gares du Voyage d'Ile-de-France, La Roulotte de la Solidarité, Les Voyageurs des Hauts de France, Les Français du Voyage Association Tsiganes, Association Culturelle Manouche des Hautes Pyrénées, Nouspasvol en Bois (France);
JS5	**Joint Submission 5 submitted by:** Direction aux Affaires Économiques, SNEI Association des maires de Carrières & GD Saint-Germain-en-Laye (France);
JS6	**Joint Submission 6 submitted by:** Associations membres du Collectif « Ensemble contre la traite des êtres humains » – Action Catholique des Femmes, ACF, Agir Contre la Prostitution des Enfants, Agir Ensemble pour les Droits de l'Homme, Amitié du Nil, Amnyo du Salut, Association pour la Réadaptation Sociale, Comité Contre l'Esclavage Moderne, Comité Protestant évangélique pour la Dignité Humaine, Congrégation Notre Dame de Charité du Bon Pasteur, Conseil Français des Associations pour les Droits de l'Enfant (CFAD), Cri, Fédération de l'Entraide Protestante, Esprit CEO, Scouts unitaires, Fondation Jean et Jeanne Scaffler, Ours la rue, Justice et Paix France, Le Carrefour, Les Champs de Bleus, Mouvement du Nid, Organisation Internationale Contre l'Esclavage Moderne, Planète Enfants, SOS Esclaves (soutenus) par le Secours Catholique – Caritas France, Paris (France);
JS7	**Joint Submission 7 submitted by:** ECPAT France;
JS8	**Joint Submission 8 submitted by:** Fédération Internationale de l'Action des Chrétiens pour l'Abolition de la Torture, ACAT France;
JS9	**Joint Submission 9 submitted by:** Fondation Jérôme Lejeune, Demogrande Collectif contre l'Handiphobie, Stop Discriminating Down, Paris (France);
JS10	**Joint Submission 10 submitted by:** World Evangelical Alliance, Conseil National des Evangéliques de France (CNEF) (European Evangelical Alliance).

[EU-FRA] European Programme pour la Dignité Humaine et FIDH (Fédération Internationale des Ligues des Droits de l'Homme), Paris, France; Fédération Européenne Justice et Démocratie, Geneva (Switzerland).

National human rights institution

[CNCDH] Commission nationale consultative des droits de l'homme*, Paris, France.

Regional intergovernmental organizations

[CoE] Council of Europe, Strasbourg (France).

[EU-FRA] European Union Agency for Fundamental Rights, Vienna (Austria).

[OSCE/ODIHR] Office for Democratic Institutions and Human Rights/Organization for Security and Co-operation in Europe, Warsaw (Poland).

[1] CNCDH, para. 25.

[2] CNCDH, paras. 20 and 21.

[3] CNCDH, para. 23.

[4] CNCDH, paras. 13 and 14.

[5] CNCDH, paras. 6 and 8.

[6] CNCDH, para. 37.

[7] CNCDH, paras. 15 and 16.

[8] CNCDH, para. 22.

[9] CNCDH, para. 32.

[10] CNCDH, para. 39.

[11] The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

[12] For relevant recommendations see A/HRC/25/5, paras. 126.1-22, 126.50, 126.136, 126.141 and 126.162.

[13] Id., page 2, related to response to recommendation 126.8 (Philippines). For the full text of the recommendation see A/HRC/25/5/Add.1, 2014, page 5, para. 9.

[14] CNCDH, page 11, para. 5.4.

[15] HRC, A/5, page 2, 2011, page 5, para. 9.

[16] "plight".

[17] Id., page 8.

[18] CRPD/C, para. 20.

[19] For relevant recommendations see A/HRC/25/5, paras. 126.32-38, 126.64, 126.68, 126.71, 126.79, 126.84, 126.98-101, 126.132.

abstain) and 120.38 (Romania). For the full text of the

[illegible] p. 2, related to recommendations 120.5-10a, recommendations see A/HRC/23/3/Add.1

3 paras. 120.27, 120.40, 120.43, 120.46, 120.48-49, [illegible] For relevant recommendations see A/HRC/23/3, para. 78, 120.80-83, 120.85, 120.87-92, 120.133-134, 120.62-63, 120.65, 120.67, 120.69a-70, 120.72, 120.149-146, 120.150-151, 120.156,

[illegible] SOMOA I.35, para. 9.

[illegible] I.TAG, pages 8, para. 23.

[illegible] IHRB, para. 3.

[illegible] I.1. EHCS, page 4.

[illegible] JS4, page 3.

[illegible] A/HRC/1.9/102/Add.1, page 3.

[illegible] IHRB, pages 7, paras. 9 and 7.

[illegible] CoE, page 3.

[illegible] I.1. EHCS, page 4.

[illegible] CESCR, para. 19.

16

[illegible] letter I.1.EHCS, pages 3 and 4, paras. 11, 13 and

[illegible] SG, page 5.

[illegible] SG, page 7.

3, paras. 120.52-54, 120.137

[illegible] For relevant recommendations see A/HRC/23/3, para.

[illegible] SG, page 7.

[illegible] SG, page 7.

[illegible] SOMOA I.35, paras 14, 15 and 16.

[illegible] IHRB, para. 3.

[illegible] SG, page 6.

[illegible] CESCR, para. 19.

[illegible] NM, para. 19.

[illegible] I.CRC, pages 3, paras. 14 and 15.

3, paras. 120.41, 120.93-97, 120.102-103, 120.105-

[illegible] For relevant recommendations see A/HRC/23/3, para. 112, 120.130-138.

ra. 9.

[illegible] CPI.38, page 1, para. II.1, IHC.KA, page 2, par.

[illegible] CPI.38, page 2, paras. 3, 5 and 6.

paras. 11 and 22. See also IHC.KA, page 29, para. 29

[illegible] CPI.38, page 8, paras. 39 (a) and (c), IHC.KA

[illegible] I.EXH.VA, page 8, para. 4.6., SG, page 5.

[illegible] I.EXH.VA, page 11, para. 9.3., SG, page 7.

[illegible] JS8, page 6, para. 2.2, page 7, para. 3.

1, 4, 5, 9, 31, 32 and 33

[illegible] IHRB, para. 1, [illegible] contra I.SG, paras.

[illegible] Observations for I.SG, page 2, para. 2.

41, (5) (8) and (9)

[illegible] Observations for I.SG, pages 3 and 4, para. 2 (c).

I.GLPI, page 4

[illegible] Observations for I.SG, pages 4 and 5, para. 9.

[illegible] CPI.9, page 1.

[illegible] NM, para. 19.

[illegible] I.GLPI, page 1.

[illegible] I.GLPI, page 2.

[illegible] I.GLPI, page 4.

[illegible] IHRB, para. 4.

3/3, paras. 120.104

[illegible] For relevant recommendations see A/HRC/23/3, para.

[illegible] SN.SIJ1, page 2.

[illegible] SN.SIJ1, page 3.

[illegible] SN.SIJ1, pages 2 and 4.

[illegible] Obs.S.1.HSDEM, page 3.

3/3, paras. 120.23-26, 120.28-31, 120.51, 120.135

[illegible] For relevant recommendations see A/HRC/23/3, para.

I.CUS, page 6, para. 3.7

[illegible] SOMOA I.35, para. 29, IHRB, para. 9, CPI.9

[illegible] IHRB, para. 9, SOMOA I.35, para. 26.

[illegible] CESCR, para. 18.

[illegible] I.EXH.VA, page 6, para. 3.3.

[illegible] I.EXH.VA, page 10, para. 9.2.

[illegible] JOINT, IHRB, para. 6.

[illegible] JS10, page 5, para. 33.

[illegible] JS10, page 5, para. 34.

23/3, paras. 120.1119-125

[illegible] For relevant recommendations see A/HRC/23/3, para. 28.

[illegible] Note, pages 2 and 3, paras. 3 and 4, JS7, p.4, para. 18.

[illegible] Note, pages 2 and 3, para. 3, JS7, page 4, 2.

[illegible] Note, p. 5, para. 7, JS7, page 6, para. 22.

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[86] For relevant recommendations see A/HRC/23/3, paras. 120.130-131.
[87] AI, page 2; AccessNow, paras. 9 and 10.
[88] AccessNow, para. 19 (b).
[89] AI, page 6.
[90] PI, page 6, para. 23.1.
[91] ADF International, para. 18 (a).
[92] For relevant recommendations see A/HRC/23/3, paras. 120.138, 120.149 and 120.153.
[93] LDH, page 5, paras. 30, 31, 32.
[94] ADDH/CCIF, para. 12.
[95] ADDH/CCIF, para. 13, related to recommendations 120.38 (Romania), 120.40 (Ukraine), 120.91 (Poland), 120.92 (Ireland). For the full text of the recommendations see A/HRC/23/3.
[96] APG23, para. 2.1.
[97] APG23, para. 3.
[98] JS1, page 10, para. 4.
[99] JS1, page 16.
[100] JS1, page 16.
[101] OSCE-ODIHR, *Implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area: Status Report 2013* (Warsaw: OSCE/ODIHR, 2013), p. 38.
[102] For relevant recommendations see A/HRC/23/3 paras. 120.139, 120.147, 120.154-155.
[103] ERRC, page 3, para. 3.
[104] ERCC, page 4, para. 4.
[105] ERRC, page 5, para. 6.
[106] ERRC, page 7, paras. 3 and 6.
[107] ODVV, paras. 10 and 17.
[108] JS4, page 7.
[109] ATD Quart Monde, page 2, paras. 8 and 9.
[110] ATD Quart Monde, page 5, paras. 26 (a) and (b).
[111] For relevant recommendations see A/HRC/23/3 paras. 120.140-142.
[112] ERRC, page 5, para. 7.
[113] ERRC, page 7, para. 11.
[114] OSCE-ODIHR, page 8.
[115] EU FRA, page 7.
[116] JS1, page 5, paras. 13 and 14.
[117] JS1, page 4, para. 11; page 5, para. 15.
[118] JS1, page 9, para (a).
[119] JS10, p. 12, para. 44.
[120] For relevant recommendations see A/HRC/23/3, paras. 120.42-43, 120.56-61, 120.114-115.
[121] LDH, page 6, paras. 36 and 42.
[122] LDH, page 5, paras. 31, 32 and 33.
[123] For relevant recommendations see A/HRC/23/3, paras. 120.39, 120.44-45, 120.113, 120.126-129, 120.165.
[124] COFRADE, page 4.
[125] Coordination, para 2; JS3, page 2, para. 1; GIEACP, page 2.
[126] JS3, page 10; Coordination, para. 1; GIEACP, page 2, para. 1.4.
[127] JS3, pages 5 and 6, para. 2 (2.1, 2.2, 2.3, 2.4); COFRADE, page 3.
[128] UFSE, page 3, para. 2.1.
[129] UFSE, page 5, paras. 2.3.1 and 2.3.3.
[130] For relevant recommendations see A/HRC/23/3, paras. 120.47, 120.144.
[131] APG23, para. 2.2.
[132] APG23, para. 3.
[133] CoE, page 3.
[134] JS2, pages 6 and 7.
[135] JS2, pages 12, 13 and 14, paras. 1 and 2 (1, 2, 3 and 4).
[136] JS9, page 10, para (e).
[137] For relevant recommendations see A/HRC/23/3, paras. 120.86, 120.152.
[138] OSCE-ODIHR, page 6; Implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, Status Report 2013 (Warsaw: OSCE/ODIHR, 2013), p. 25.
[139] CoE, page 3.
[140] ELEN, page 5, paras. 1 and 2.
[141] EBLUL ELEN.
[142] IHRC-OE, pages 2 and 3.
[143] For relevant recommendations see A/HRC/23/3, paras. 120.157-161, 120.163-164.
[144] AI, pages 4 and 5.

[139] AI, page 7.
[140] GDP, page 3.
[141] GDP, page 4.
[142] ODVV, para. 16.
[143] JS1, page 15, paras. 15 and 17.
[144] ANAFE, page 4.
[145] ANAFE, page 5.
[146] CoE, pages 2 and 3.
[147] EU FRA, page 10.
[148] JS8, pages 9 and 10, para. 1, page 12, para. 2.2.
[149] HRW, para. 2.
[150] HRW, para. 2.
[151] JS8, page 10, para. 1.2.
[152] ANAFE, page 5.
[153] JS1, page 17, para. 18.
[154] JS1, page 18.
[155] JS5, paras (a) and (d).
[156] JS1, page 17, para. 19.
[157] JS1, page 18.
[158] GDP, page 3.